

GOVERNMENT OF ANDHRA PRADESH

Abstract:

Public Services – Allegation leveled against Sri E. Shiva Shankar, formerly Mandal Agricultural Officer, Kurnool now retired as A.D.A., (SC), Anantapur on the irregularities that he failed in discharging of his duty as Fertilizers, Seeds and Pesticides Inspector - Disciplinary Action initiated under Rule 20 of A.P.C.S. (CC&A) Rules 1991 - Enquiry report submitted – Examined - S.C.N. issued under Rule-9 of A.P.R.P, Rules, 1980 - Explanation submitted – Examined – Not convinced – Penalty of withholding (five) 5% cut in pension for 2 (two) years under A.P.R.P. Rules, 1980 – Imposed - Orders – Issued.

AGRICULTURE AND COOPERATION (VIG-1) DEPARTMENT

G.O.RT.NO. 674

DATED:04-12-2014.

Read the following:-

1. From the C&DA .,Pro No. Vig.IV(3)296/10,dated:02.12.2010.
2. Charge Memo.No. Vig.IV(3)296/10, dated.28-1-2011 of the C&DA., Hyd.
3. Memo No Vig.IV(3)296/10,dated:30.03.2011 of the C&DA.,Hyd.
4. From E.Shiva Shanakar ., MAO.Kurnool, w.s.d submission dated:18-02-2011.
5. From the C&DA .,Pro No. Vig.IV(3)296/10,dated:19.08.2011.
6. Inquiry report dt. 04.01.2012., received from the JDA,O/o C&DA.,Hyd.,
7. From E.Shiva Shanakar ., MAO.Kurnool, w.s.d submission Dated:18.05.2012.
8. From the C&DA, Hyd., Lr.No Vig.IV(3)296/2010, dated :5.9.2012
9. Govt Memo No.11070/vig-1/2012 dated:16.03.2013.
10. From E.Shiva Shanakar ., MAO.Kurnool, w.s.d submission dated:03.02.2014.
11. From the C&DA, Hyd., Lr.No Vig.IV(3)296/2010, dated :25.9.2014.
12. From Secretary, APPSC,1185/RT/1/2014, Dated:18.11.2014.

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ORDER:-

It was brought to the notice of the Govt by the Commissioner and Director of Agriculture, Hyderabad in his letter 8th read above, that Sri. E. Siva Shankar, MAO, Kurnool has been kept under suspension vide his pro. Dt. 2.12.2010 as he has failed in discharging his duties as Fertilizers, Seeds and Pesticides Inspector. As per the court orders of the Hon'ble A.P.A.T., in O.A. No. 8594 dated 7.12.2010, he was reinstated into duty and he was reported duty on 2-4-11 AN. Subsequently, as per the court orders he was promoted and posted as ADA (SC), Anantapur and continued disc proceedings duly framing the following charge under rule- 20 of APCS (CC&A) Rules 1991 against the C.O. vide his proceedings 2nd read above:-

ARTICLE OF CHARGE:“That the said Sri E. Sivasankar, Mandal Agril.Officer, Kurnool while functioning as Mandal Agril. Officer, Kurnool during the year 2009-10 and 2010-11 he has not filed the cases like Seeds, Fertilizers and Pesticides in the Court and also not attended the routine work like not handed over stickers and important files for drawl of samples to his successor as a result much dislocation to the Government duty. Hence, he has not devoted his duty and not maintained absolute integrity and discipline on the Government work under Rule (3) of APCS (Conduct) 1964”.

2. In the ref. 4th read above, the Charged Officer has submitted his written statement defense denying the charge framed against him. As such, Smt. D.S.S. Suseela, the then J.D.A.,(Fert) present Addl.D.A., of C&DA's office and DDA(Trg) O/o. J.D.A., Kurnool have been appointed as I.O & P.O respectively. Vide ref.5thread above.

3. In the ref. 6th read above, the Inquiry officer has submitted her Inquiry report on the charges framed against Sri E. Shivashankar, MAO, Kurnool after following due procedure and reported in her analysis that “The I.O. has submitted that on detailed examination of the charge framed against Sri E. Siva Shankar, defense statements
(P.T.O)

submitted by the Charged Officer to the charge memo served on him as well as presented before her during the course of inquiry and recorded documents obtained during the course of inquiry, it is noticed that the Charged Officer has failed to discharge his legitimate duties like filing of cases in the respective courts by pursuing the Asst. Public Prosecutor in getting legal opinions on the Acts of Seeds, Fertilizers and Pesticides. According to the documentary evidence, Sri E. Siva Shankar has intentionally avoided the handing over of the charge of the post of Mandal Agril. Officer, Kurnool to his successor, even after reminded by the A.D.A., (R), Kurnool and J.D.A., Kurnool repeatedly. By not handing over charge of the post, the officials have faced problems in filing the cases as well as routine work. As regards, drawl of samples, he has not achieved the set targets as Mandal Agril. Officer, Kurnool and his defense under this charge is vague and not at all convinced. As a matter of fact, being a responsible Government Servant he has to hand over the charge of the post to the Officer nominated by the higher authorities, which he has not done.”

4. Finally the Inquiry Officer in his findings has stated that “On examination of the defense statement of the Charged Officer, on the charge served on him and material placed before her by the Presenting Officer during the course of the enquiry on 28.12.2011, the charge framed against the Charged Officer is taken as held proved, as there is substantial material to prove his failures in attending the legitimate official duties as enumerated above. Thus, it is evident that he is quite lethargic in performing the duties.

5. The copy of the Inquiry Report was communicated vide C&DA letter dated:23.03.2012 to Sri E. Shiva Shankar, former Mandal Agril. Officer, Kurnool and A.D.A., (SC), Anantapur(now rtd) as per rule 21 (2) of A.P.C.S. (CC&A) Rules, 1991 and directed him to make a representation, if any, on the findings of Inquiry Officer. The Charged Officer has submitted in his w.s.d requesting to drop the charge in the reference 7th read above.

6. In the mean while Sri E. Shiva Shankar, former Mandal Agril. Officer, Kurnool present A.D.A., (SC), Ananthapur was retired from public service on 31.07.2012 on attaining the age of superannuation and the Govt ,is competent authority to finalize the disciplinary case against retired officer under rule-9 of APRP Rules,1980. The proposal submitted to Govt for taking further action in the matter vide his ref. 8th above.

7. The Government after careful examination of the matter with reference to the material available on record and remarks of the C&DA., Hyderabad has provisionally decided to impose a punishment / with holding of 5% cut in pension for two years and accordingly in the ref. 9th read above issued show cause notice to Sri E.Shiva Shankar, former Mandal Agril. Officer, Kurnool present A.D.A., (SC), Anantapur (Rtd) for his explanation for the charge held proved, The charged officer has submitted his explanation dated;03.02.2014 which is not convinced. Hence, Govt have confirmed the provisional decision mentioned above.

8. When consulted the APPSC for their concurrence on the proposed punishment for imposing 5% cut in pension for a period of two years, the APPSC has been agreed with it and communicated the same to Govt vide their letter 12th read above.

9. The Government after careful examination entire case with ref. to the material available on record have decided and hereby impose a punishment withholding 5% (five percent) cut in pension for a period of two years on Sri E. Siva Shankar, MAO, Kurnool and now retired as ADA (SC), Ananthapur as the charge leveled against him has been proved.

(P.T.O)

10. The Commissioner and Director of Agriculture, A.P., Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The individual through the C&DA, Hyderabad
The Commissioner and Director of Agriculture, AP, Hyd.
Copy to:
The Secretary, A.P.P.S.C., Hyderabad
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER